

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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V.W., a minor, by and through his parent
and natural guardian DERECK WILLIAMS;
R.C., a minor, by and through his parent and
natural guardian SANDRA CHAMBERS;
C.I., a minor, by and through his parent and
natural guardian VERTELL PENDARVIS;
M.R., a minor, by and through his parent and
natural guardian KAREN RAYMOND;
F.K., a minor, by and through his parent and
natural guardian KASHINDE
KABAGWIRA; and J.P., a minor, by and
through his parent and natural guardian
ALISSA QUIÑONES; on behalf of
themselves and all others similarly situated,
.....

**DECLARATION IN SUPPORT
OF MOTION FOR
PRELIMINARY INJUNCTION**

16-CV-1150 (DNH) (DEP)

Plaintiffs,
.....

v.
.....

EUGENE CONWAY, Onondaga County Sheriff,
in his official capacity; ESTEBAN GONZALEZ,
Chief Custody Deputy of the Onondaga County
Justice Center, in his official capacity; KEVIN M.
BRISSON, Assistant Chief Custody Deputy, in
his official capacity; and SYRACUSE CITY
SCHOOL DISTRICT,
.....

Defendants.
.....

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PHILIP DESGRANGES, pursuant to 28 U.S.C. § 1746, declares the following
under penalty of perjury:

1. I am an attorney at the New York Civil Liberties Union Foundation
("NYCLU"), counsel for Plaintiffs V.W., R.C., C.I., M.R., F.K., and J.P. in this matter.
As such, I am fully familiar with the facts and circumstances of this proceeding.

2. I make this declaration in support of Plaintiffs' motion for preliminary injunction. Attached to this declaration are documents referenced in plaintiffs' memorandum of law in support of their motion. Any redactions to the attached documents were made to protect the privacy of minors pursuant to Local Rule 8.1.

3. Attached hereto as Exhibit A is a true and correct copy of the declaration of named Plaintiff V.W. in support of the motion for class certification re-submitted here in support of the motion for preliminary injunction.

4. Attached hereto as Exhibit B is a true and correct copy of the declaration of named Plaintiff R.C. in support of the motion for class certification re-submitted here in support of the motion for preliminary injunction.

5. Attached hereto as Exhibit C is a true and correct copy of the declaration of named Plaintiff C.I. in support of the motion for class certification re-submitted here in support of the motion for preliminary injunction.

6. Attached hereto as Exhibit D is a true and correct copy of the declaration of named Plaintiff M.R. in support of the motion for class certification re-submitted here in support of the motion for preliminary injunction.

7. Attached hereto as Exhibit E is a true and correct copy of the declaration of named Plaintiff F.K. in support of the motion for class certification re-submitted here in support of the motion for preliminary injunction.

8. Attached hereto as Exhibit F is a true and correct copy of the declaration of named Plaintiff J.P. in support of the motion for class certification re-submitted here in support of the motion for preliminary injunction.

9. Attached hereto as Exhibit G is a true and correct copy of the supplemental declaration of named Plaintiff C.I. in support of the motion for preliminary injunction.

10. Attached hereto as Exhibit H is a true and correct copy of the supplemental declaration of named Plaintiff R.C., including Exhibits 1-3 attached thereto, in support of the motion for preliminary injunction.

11. Attached hereto as Exhibit I is a true and correct copy of the supplemental declaration of named Plaintiff V.W., including Exhibit 1 attached thereto, in support of the motion for preliminary injunction.

12. Attached hereto as Exhibit J is a true and correct copy of the declaration of juvenile D.D. in support of the motion for preliminary injunction.

13. Attached hereto as Exhibit K is a true and correct copy of the declaration of juvenile C.B. in support of the motion for preliminary injunction.

14. Attached hereto as Exhibit L is a true and correct copy of the declaration of juvenile M.S. in support of the motion for preliminary injunction.

15. Attached hereto as Exhibit M is a true and correct copy of the declaration of juvenile C.C. in support of the motion for preliminary injunction.

16. Attached hereto as Exhibit N is a true and correct copy of the declaration of juvenile J.S. in support of the motion for preliminary injunction.

17. Attached hereto as Exhibit O is a true and correct copy of the declaration of juvenile D.P. in support of the motion for preliminary injunction.

18. Attached hereto as Exhibit P is a true and correct copy of the declaration of juvenile J.C.P. in support of the motion for preliminary injunction.

19. Attached hereto as Exhibit Q is a true and correct copy of the declaration of Lorenda Brown, mother of juvenile C.B., in support of the motion for preliminary injunction.

20. Attached hereto as Exhibit R is a true and correct copy of the declaration of Nashieka Lomack, mother of juvenile T.S., in support of the motion for preliminary injunction.

21. Attached hereto as Exhibit S is a true and correct copy of the declaration of Alissa Quiñones, mother of juvenile J.P., in support of the motion for preliminary injunction.

22. Attached hereto as Exhibit T is a true and correct copy of the Onondaga County Sheriff's Office ("Sheriff's Office") description of the Custody Department, available at <http://sheriff.ongov.net/custody/> (last visited Aug. 21, 2016).

23. Attached hereto as Exhibit U is a true and correct copy of the Onondaga County Justice Center's February 2016 Inmate Handbook.

24. Attached hereto as Exhibit V is a true and correct copy of the Sheriff's Office's Written Directive Number CUS-023: Inmate Discipline, dated November 8, 2010 (Bates No. OCJC000022-34).

25. Attached hereto as Exhibit W is a true and correct copy of the Sheriff's Office's Written Directive Number CUS-050: Segregation Housing, dated January 13, 2016 (Bates No. OCJC000102-113).

26. Attached hereto as Exhibit X is a true and correct copy of the Sheriff's Office's Written Directive Number CUS-041: Educational and Vocational Programs, dated December 4, 2015 (Bates No. OCJC000055-59).

27. Attached hereto as Exhibit Y is a true and correct copy of the Sheriff's Office's

description of the Organizational Chart, available at <http://sheriff.ongov.net/organizational-chart/> (last visited December 20, 2016).

28. Attached hereto as Exhibit Z is a true and correct copy of the Sheriff's Office Description of Inmate Management, available at <http://sheriff.ongov.net/custody/inmate-management/> (last visited Aug. 28, 2016).

29. Attached hereto as Exhibit AA is a true and correct copy of the Incident Report for named Plaintiff C.I. (May 18, 2016) and the related Hearing Results for C.I. (June 7, 2016).

30. Attached hereto as Exhibit AB is a true and correct copy of the Inmate Misbehavior Report / Hearing Notice for J.P. (Aug. 29, 2016) and the related Hearing Results for J.P. (Sept. 19 2016).

31. Attached hereto as Exhibit AC is a true and correct copy of the Memorandum of Understanding between the Syracuse City School District and the Onondaga County Sheriff's Office (Aug. 2016).

32. Attached hereto as Exhibit AD is a true and correct copy of Temporary Restraining Order issued in *Doe v. Hommrich, et al.*, 3:16-cv-00799 (AAT), ECF No. 9 (M.D. Tenn. April 25, 2016).

33. Attached hereto as Exhibit AE is a true and correct copy of the DOJ statement titled: *FACT SHEET: Department of Justice Review of Solitary Confinement* (Jan. 25, 2016), <https://www.whitehouse.gov/the-press-office/2016/01/25/fact-sheet-department-justice-review-solitary-confinement>.

34. Attached hereto as Exhibit AF is a true and correct copy of the United Nations Convention on the Rights of the Child, Forty-fourth Session, General Comment No. 10 titled *Children's Rights in Juvenile Justice* (2007),

<http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf>.

35. Attached hereto as Exhibit AG is a true and correct copy of the United Nations General Assembly, Seventieth Session, Agenda Item 106 titled *United Nations Standard Minimum Rules for the Treatment of Prisoners* (the Nelson Mandela Rules) (Dec. 2015), <https://cdn.penalreform.org/wp-content/uploads/1957/06/ENG.pdf>.

36. Attached hereto as Exhibit AH is a true and correct copy of Natalie J. Kraner et al., Lowenstein Sandler LLP & Lowenstein Center for the Public Interest, *51-Jurisdiction Survey of Juvenile Solitary Confinement Rules in Juvenile Justice Systems* (Oct. 2015), <https://www.lowenstein.com/files/upload/51-Jurisdiction%20Survey%20of%20Juvenile%20Solitary%20Confinement%20Rules.PDF>.

37. Attached hereto as Exhibit AI is a true and correct copy of the North Carolina Department of Public Safety press release titled *State Prison System Announces End to Solitary for Inmates Under 18* (June 15, 2016), <https://www.ncdps.gov/press-release/state-prison-system-announces-end-solitary-confinement-inmates-under-18>.

38. Attached hereto as Exhibit AJ is a true and correct copy of the LAist article by Julia Wick titled “Juvenile Solitary Confinement has been Banned in L.A. County” (May 3, 2016), http://laist.com/2016/05/03/juvenile_solitary.php.

39. Attached hereto as Exhibit AK is a true and correct copy of the City of New York press release titled “De Blasio Administration Ends Use of Punitive Segregation for Adolescent Inmates on Rikers Island” (Dec. 17, 2014), <http://www1.nyc.gov/office-of-the-mayor/news/566-14/de-blasio-administration-ends-use-punitive-segregation-adolescent-inmates-rikers-island#/0>.

40. Attached hereto as Exhibit AL is a true and correct copy of the American Academy of Child & Adolescent Psychiatry Juvenile Justice Reform Committee report titled

Solitary Confinement of Juvenile Offenders (April 2012),
http://www.aacap.org/aacap/policy_statements/2012/solitary_confinement_of_juvenile_offender_s.aspx.

41. Attached hereto as Exhibit AM is a true and correct copy of the American Medical Association report titled *AMA Adopts New Policies to Improve Health of Nation at Interim Meeting* (Nov. 11, 2014), <https://www.ama-assn.org/ama/pub/new/2014/2014-11-20-ama-policies-improve-health-of-nation.page>.

42. Attached hereto as Exhibit AN is a true and correct copy of the American Public Health Association policy statement titled “Solitary Confinement as a Public Health Issue” (July 2014), <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/14/13/30/solitary-confinement-as-a-public-health-issue>.

43. Attached hereto as Exhibit AO is a true and correct copy of the National Commission on Correctional Health Care report titled *Solitary Confinement (Isolation)* (April 2016), <http://www.ncchc.org/solitary-confinement>.

44. Attached hereto as Exhibit AP is a true and correct copy of the Incident Report for C.C. (Aug. 3, 2016), the related Inmate Misbehavior Report / Hearing Notice for C.C. (Aug. 3, 2016), and the related Hearing Results for C.C. (Aug. 22, 2016).

45. Attached hereto as Exhibit AQ is a true and correct copy of a letter sent by Plaintiffs’ counsel Joshua Cotter to Defendant Gonzalez on November 23, 2015.

46. Attached hereto as Exhibit AR is a true and correct copy of the Verified Petition and Complaint for *T----- S----- v. Conway*, including Exhibits A – I attached thereto.

47. Attached hereto as Exhibit AS is a true and correct copy of an Appeal of Administrative Segregation Designation from V.W. to Chief Gonzalez (Aug. 31, 2016).

48. Attached hereto as Exhibit AT is a true and correct copy of an Appeal of Administrative Segregation from J.P. to Chief Gonzalez (Aug. 31, 2016) and a Memorandum from the Office of Captain J. Barrella to J.P. regarding the Appeal of Hearing / Time / Cut Request (Sept. 2, 2016).

49. Attached hereto as Exhibit AU is a true and correct copy of an Appeal of Disciplinary Hearing Decision from R.C. to Chief Gonzalez (undated) and a Memorandum from the Office of Captain J. Barrella to R.C. regarding the Appeal of AD/Seg (Sept. 14, 2016).

50. Attached hereto as Exhibit AV is a true and correct copy of the Sheriff's Office's Written Directive Number CUS-051: Mental Health Services, dated June 18, 2014 (Bates No. OCJC000114-122).

51. Attached hereto as Exhibit AW is a true and correct copy of a press release from the New York Governor's Office titled "Governor Cuomo Announces Dramatic Reform in Use of Special Housing For Inmate Discipline," (Dec. 16, 2015),
<https://www.governor.ny.gov/news/governor-cuomo-announces-dramatic-reform-use-special-housing-inmate-discipline>.

52. Attached hereto as Exhibit AX is a true and correct copy of the Defendants' Education of Incarcerated Youth Program Plan for the July 1, 2016 to June 30, 2017 School Year.

Dated: December 21, 2016
New York, New York

Respectfully submitted,



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